

STATE ALLOCATION BOARD

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Sacramento, CA 95814
<http://www.dgs.ca.gov/opsc>



Date: February 20, 2004

To: Interested Parties

Subject: **NOTICE OF THE STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING**

Notice is hereby provided that the State Allocation Board Implementation Committee will hold a meeting on Friday, March 5, 2004 (9:30 am - 3:30 pm) at 1500 Capitol Ave. (East End Complex) in Conference Rooms 72.149B & 72.151A (Sacramento, CA).

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting
2. Clean School Restrooms (SB 892 Murray)
Discussion of the complaint process relating to the sufficiency and availability of restroom facilities in all K-12 public schools.
3. New Construction Additional Grant for Replaced Facilities (AB 1631 Salinas)
Discussion of the revisions to the eligibility criteria for the supplemental grant to replace a single-story with a multi-story structure on the same site.
4. Continuation High, Community Day and County Community Schools
Discussion of funding methods for these alternative education schools.

Any interested person may present public testimony or comments at this meeting regarding the issues scheduled for discussion. Any public input regarding unscheduled issues should be presented in writing, which may then be scheduled for a future meeting. For additional information, please contact Portia Jacobson at (916) 445-3159.

A handwritten signature in black ink, appearing to read "Bruce B. Hancock", with a long horizontal flourish extending to the right.

BRUCE B. HANCOCK
Chairperson

BBH:LM:pj

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
March 5, 2004

CLEAN SCHOOL RESTROOMS
(SB 892 Murray)

BACKGROUND

Senate Bill (SB) 892, chaptered on October 12, 2003, added Section 35292.5 to the Education Code (EC). With an effective date of January 1, 2004, EC Section 35292.5 contains requirements relating to the sufficiency and availability of restroom facilities in all public and private schools.

SB 892 requires the State Allocation Board (SAB) to determine a district's compliance with EC Section 35292.5, and directs the SAB to withhold state matching funds for deferred maintenance (DM) projects if, after receiving a reasonable opportunity to fix the problem and a 30-day notice of violation, the restroom facilities remain in violation of the law. In order to fulfill its responsibility to administer the law and comply with the law's effective date of January 1, 2004, the Office of Public School Construction (OPSC) expedited the development of a mechanism by which complaints could be received and processed.

DISCUSSION

This item is continued from the February 6, 2004 meeting of the Implementation Committee. In February, staff presented its proposed process for addressing restroom maintenance complaints. At that time, staff presented copies of the complaint and response forms, a flow chart illustrating the proposed complaint process, and timeline options for the withholding of deferred maintenance funds. Included with this item are the following attachments:

- Attachment A – Proposed Revised Complaint form
- Attachment B - Text of SB 892
- Attachment C - Complaint Process Flow Chart

Resolution at the Local Level

To address concerns voiced at the last meeting, staff amended the complaint form to include the following statement to encourage local resolution:

“Correction of your complaint in a timely manner is important. You are free to file your complaint with the OPSC. In addition, communicating your observations at the local level may serve to further expedite the complaint's resolution. You are encouraged to share the details of restroom deficiencies with the school's principal and your school district.”

While exploring the feasibility of integrating local and OPSC processes, staff discovered that not all school districts have a formal complaint mechanism in place, and found little consistency in existing processes. Districts are encouraged to inform their constituents about existing local complaint processes that could be used to resolve restroom maintenance issues. The OPSC's role is to provide the public with a standardized, universally accessible process for complaint response.

Anonymous Complaints

The complaint form requests the identification of the complainant. However, there are some individuals who are reluctant to include their name on the complaint forms. Staff contends anonymity should not preclude a complaint from consideration.

A strong precedent has been set by state and local agencies with regard to the acceptance of anonymous complaints. Examples of governmental agencies and programs that accept anonymous complaints include the Department of Social Services, the State Whistleblower Program, and Adult Protective Services. In these programs, the complainant is provided anonymity, and allegations made by these individuals are considered legitimate until further investigation provides contrary evidence.

To invalidate complaints on the basis of anonymity diminishes an individual's lawful right to privacy and discourages the submittal of otherwise valid complaints. Each district maintains its right to defend any complaints. Ultimately, the SAB will consider the weight of the evidence before making any determination.

Complaint Notification

Since the penalty for unresolved complaints is severe and affects the entire district, the complaint notification letter is directed to the District Superintendent, with a copy to the SFP District Representative. When appropriate, the district would distribute information on the complaint form to site-specific personnel.

Screening/Prevention of Frivolous Complaints

The current process requires that the complaint form be submitted in writing, and therefore filters many frivolous complaints. Additionally, the complaint form has been revised to include a complainant certification on the signature line. (Please refer to Attachment A.)

To raise the complainant's awareness about the serious consequences associated with filing a complaint, and of the severity of the penalty imposed by law, the complaint form instructions now provide the following information regarding the use and importance of the DM funds subject to withholding.

“Deferred maintenance apportionments provide State funds to assist school districts with expenditures for major repair or replacement of existing school building components. Typically this includes roofing, plumbing, heating, air conditioning, electrical systems, interior/exterior painting, floor systems, etc.”

Deficiency Codes/Descriptions

The complaint form provides descriptions and corresponding codes for various restroom deficiencies. The descriptions were derived from the specific maintenance requirements defined in SB 892. The inclusion of specific descriptions helps to ensure that complaints are confined within law's parameters. The codes serve to simplify the complaint response and tracking processes.

Complainant Notification

The proposed OPSC process includes a letter of acknowledgement to the complainant, which indicates that the complaint has been received and the school district has been notified. The complainant will also be notified as to the outcome of the complaint.

Prorating DM Funding

The provisions of SB 892 are such that a district's entire basic DM funds could be withheld due to a single violation at one school in the district. Staff conferred with SAB legal counsel regarding the language specific to the withholding process in order to determine whether the DM withholding could be prorated proportionate to the number of schools within the district that are found to be in violation. Legal counsel opined that:

- SB 892 contemplates a district's eligibility to receive matching apportionments pursuant to Education Code (EC) Section 17584.
- There is nothing in SB 892 or current law that authorizes the Board to withhold only a portion of the DM apportionment.

Proposed Timeline for DM Funds Withholding

The withholding of DM funds is district-specific. Regardless of the quantity, type, or location of a district's complaints, unresolved complaints that occur within the same fiscal year will be presented concurrently to the August SAB preceding the [December] DM Annual Funding. The exception would be made for complaints filed too late in the fiscal year to allow for SAB processing timelines and a reasonable opportunity for correction. These complaints, if unresolved, would go to the Board in August of the *following* year.










If the Board makes a determination of violation, the district will receive a 30-Day Notice referencing all complaints used as a basis for that determination. The district would have 30 days to correct the violations referenced on the notice. If the violations remain uncorrected after 30 days, the district would not receive its DM apportionment at the DM Annual funding.

Presentation to the August SAB would provide sufficient time for the 30-day notifications required by law, and would enable DM staff to identify those districts who will not receive their DM apportionment at the December Board.

For purposes of discussion, the following example illustrates history of XYZ School District's restroom maintenance complaints, and the consequences associated with the district's unresolved complaints, including the ultimate withholding of DM funds.

EXAMPLE:

Various complaints are received for the XYZ School District during the 04/05 Fiscal Year [July 1, 2004 - June 30, 2005], as follows:

	Complaints Received	Corrected within 60 days	Unresolved Complaints
Fiscal Year 04/05 All unresolved complaints received during this period will go to August 2005 SAB.	Jul 04 		0
	Aug 04		
	Sep 04		
	Oct 04 		0
	Nov 04		
	Dec 04		
	Jan 05 		1
	Feb 05		
	Mar 05		
	Apr 05 		1
	May 05		
	Jun 05 		*
Total			2

- Following the expiration of their respective correction timeframes, the two unresolved complaints would be presented as informational items to the Board, and would remain on the list until they are resolved.
- If the complaints are not corrected by the August SAB, the Board will determine whether the District is in violation of SB 892.
- If the Board determines the District is in violation, the District would receive a 30-Day Notice of Violation.
- If the violation is not resolved within 30 days, the District's DM basic apportionment would be withheld from the next available DM funding cycle following the Board's determination [December 2005].
- * By August 2005, this complaint may not be able to meet SAB processing timelines and may not have received the reasonable opportunity for correction allowed by law. This complaint, if unresolved, could go to the August 2006 SAB.

ATTACHMENT A
Complaint Form

ATTACHMENT B

Senate Bill No. 892

CHAPTER 909

An act to add Section 35292.5 to the Education Code, relating to schools.

[Approved by Governor October 12, 2003. Filed
with Secretary of State October 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 892, Murray. School restrooms.

Existing law exempts public and private schools from provisions relating to the sufficiency of public facility restrooms, and provides for the maintenance and repair of public school facilities by school districts.

This bill would, with certain exceptions, require every public and private school to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

This bill would make a school district ineligible for prescribed state school facilities deferred maintenance matching funding if, after a 30-day notice period and a reasonable opportunity to cure the violation, a public school it operates remains in violation of this bill.

The people of the State of California do enact as follows:

SECTION 1. Section 35292.5 is added to the Education Code, to read:

35292.5. (a) Every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, shall comply with all of the following:

(1) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

(2) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes.

(b) Notwithstanding subdivision (a), a school may temporarily close any restroom as necessary for pupil safety or as necessary to repair the facility.

(c) Any school district that operates a public school that is in violation of this section as determined by the State Allocation Board, is ineligible

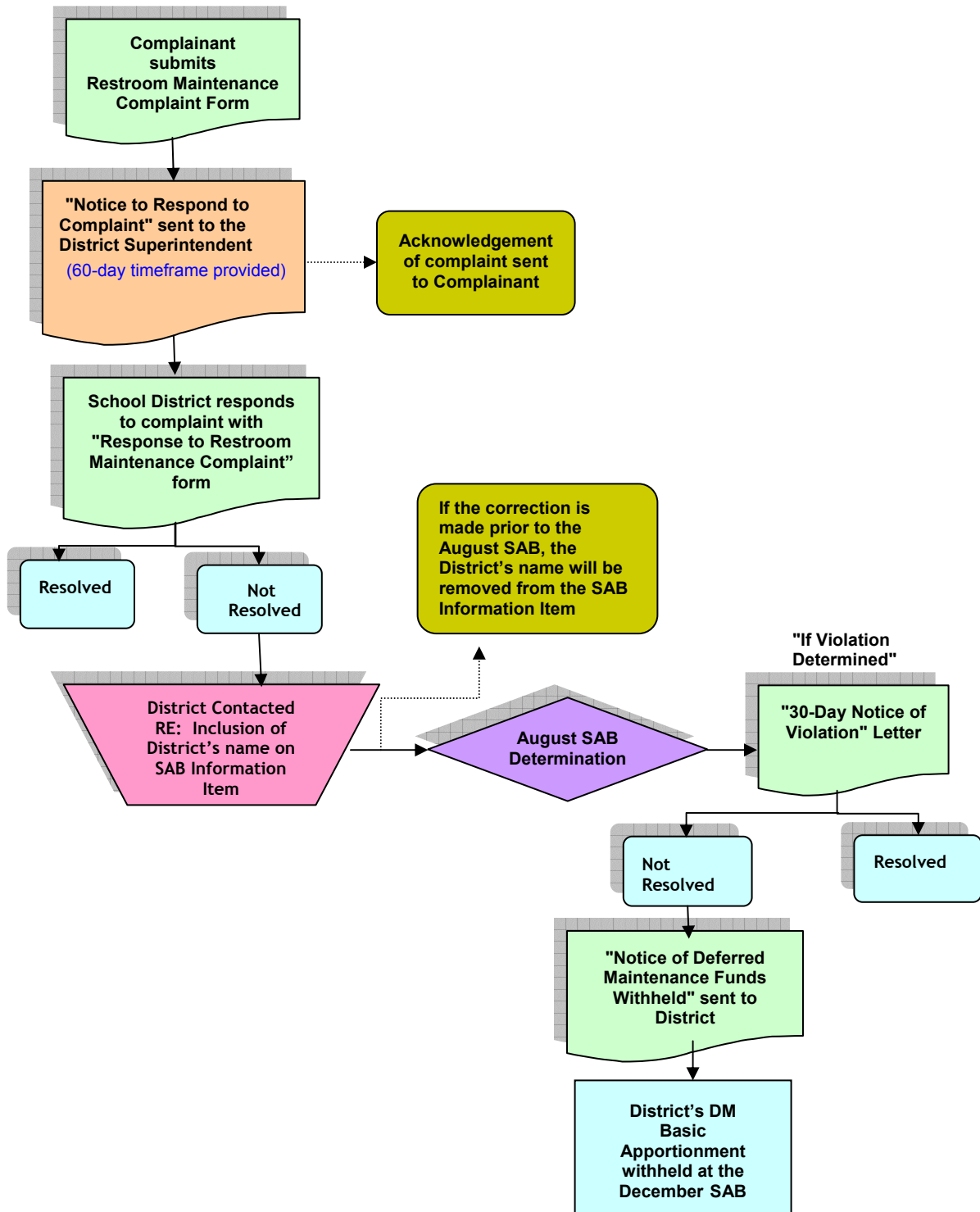
for state deferred maintenance fund matching apportionments pursuant to Section 17584 if the school district has not corrected the violation within 30 days after receipt of a written notice of the violation from the board. Prior to determining that the school district is ineligible, the board shall provide the school district with a reasonable opportunity to cure the violation. The board shall notify the Superintendent of Public Instruction regarding a school district found to be in violation of this section. The Superintendent of Public Instruction shall notify the Controller to withhold apportionments otherwise due the school district under Section 17584.

SEC. 2. It is the intent of the Legislature that a school employee who performs maintenance or repair functions related to restroom facilities that are subject to Section 35292.5 of the Education Code not be subject to discipline if the employee performs his or her responsibilities as required by his or her employer.

SEC. 3. The Legislature finds and declares that, as regards public schools, a principal purpose of this act is to clarify the preexisting requirements of Section 17576 of the Education Code by specifying the minimum requirements necessary to provide sufficient patent flush water closets for the use of pupils in a manner that is consistent with those requirements that apply to other public and private persons or agencies pursuant to Section 118505 of the Health and Safety Code. Because the local mandate established pursuant to Section 17576, which was enacted on January 1, 1948, was enacted prior to January 1, 1975, no reimbursement is required under this act pursuant to Section 6 of Article XIII B of the California Constitution.

ATTACHMENT C

Senate Bill 892 Complaint Process Flow Chart



RESTROOM MAINTENANCE COMPLAINT

EDUCATION CODE SECTION 35292.5

SAB 892 (REV 02/04)

GENERAL INFORMATION

As of January 1, 2004, Section 35292.5 was added to the Education Code and contains the following requirements relating to the sufficiency and availability of restroom facilities in all public schools:

- Every restroom must be maintained and cleaned regularly, fully operational, and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- Schools must keep all restrooms open during school hours when pupils are not in classes, and must keep a sufficient number of restrooms open during school hours when pupils are in classes (except as required for pupil safety or as necessary to repair the facility).
- Any school district that operates a public school that is in violation of this section, as determined by the State Allocation Board, is ineligible for state deferred maintenance fund matching apportionments.

Deferred maintenance apportionments provide State funds to assist school districts with expenditures for major repair or replacement of existing school building components. Typically this includes roofing, plumbing, heating, air conditioning, electrical systems, interior/exterior painting, floor systems, etc.

This form is used to report complaints for inadequate conditions in public school restroom facilities. If the complaint involves multiple restrooms, *please use a separate form for each restroom.*

SPECIFIC INSTRUCTIONS

Please complete all requested information in order for the Office of Public School Construction to address your concerns in a timely manner.

PART I**School District**

Enter name of school district of school where complaint is located.

County

Enter name of county where school district is located.

Name of School

Enter name of school site where complaint is located.

School Site Address

Enter street address, city and ZIP code of school site where complaint is located.

Location of Restroom Facility

Name specific physical location of restroom in the complaint; use landmarks, such as "boys/girls on east side of gymnasium" for reference.

PART II

Correction of your complaint in a timely manner is important. You are free to file your complaint with the OPSC. In addition, communicating your observations at the local level may serve to further expedite the complaint's resolution. You are encouraged to share the details of restroom deficiencies with the school's principal and your school district.

PART III**Type of Complaint**

Check the box next to all complaint codes that apply to the complaint being reported.

Observations

Provide details to further explain the type of complaints that are checked in the "Type of Complaint" form cell.

Miscellaneous

Select this category to describe maintenance related issues not covered in other complaint categories.

PART IV

The information provided will enable the OPSC to keep you informed of the complaint's progress.

Complainant

Print your name.

Telephone

Please provide your telephone number.

Address

Please provide your mailing address.

Signature of Complainant

Sign your name here.

Date

Please enter the date the form is submitted.

After completing the form, please submit the form by mail or FAX to the address or FAX number shown.

RESTROOM MAINTENANCE COMPLAINT

EDUCATION CODE SECTION 35292.5

SAB 892 (REV 02/04)

PLEASE READ INSTRUCTIONS BEFORE COMPLETING FORM.**PART I**

SCHOOL DISTRICT (IF KNOWN)	COUNTY
NAME OF SCHOOL	SCHOOL SITE ADDRESS (STREET, CITY, ZIP CODE)
LOCATION OF RESTROOM FACILITY (I.E., BOYS/GIRLS RESTROOM AT NORTH END OF CAMPUS NEAR GYM, CAFETERIA RESTROOM, ETC.)	

PART II

Have you attempted to resolve this complaint at the local level? ☐ Yes
☐ No

PART III**TYPE OF COMPLAINT (PLEASE CHECK ALL THAT APPLY):****Plumbing, Equipment and Supplies (hand soap, paper towels, etc.)**

- | | |
|--|--|
| <input type="checkbox"/> P-100 Toilet damaged/missing | <input type="checkbox"/> E-101 Lavatory Stall Doors and/or Locks missing/inoperable |
| <input type="checkbox"/> P-101 Toilet leaking/clogged | <input type="checkbox"/> E-102 Paper Towel Dispenser missing/inoperable |
| <input type="checkbox"/> P-102 Lavatory Sink damaged/missing | <input type="checkbox"/> E-103 Toilet Paper Dispenser missing/inoperable |
| <input type="checkbox"/> P-103 Faucets or Pipes damaged/leaking | <input type="checkbox"/> E-104 Soap Dispensers missing/inoperable |
| <input type="checkbox"/> P-104 Floor Drains clogged | <input type="checkbox"/> E-105 Trash Receptacle missing |
| <input type="checkbox"/> P-105 Lavatory Sink clogged | <input type="checkbox"/> S-100 Soap Dispensers consistently empty |
| <input type="checkbox"/> E-100 Electric Hand Dryers damaged/missing | <input type="checkbox"/> S-101 Paper Towel Dispensers consistently empty |
| | <input type="checkbox"/> S-102 Toilet Paper missing/unusable on a consistent basis |

Condition of Restroom/Miscellaneous

- | |
|--|
| <input type="checkbox"/> C-100 Floors unclean on a consistent basis |
| <input type="checkbox"/> C-101 Walls/Ceilings unclean on a consistent basis |
| <input type="checkbox"/> C-102 Trash Receptacles not emptied consistently |
| <input type="checkbox"/> C-103 Toilets/Urinals unclean/unusable on a consistent basis |
| <input type="checkbox"/> C-104 Restroom Facility closed for an extended period |
| <input type="checkbox"/> M-100 Miscellaneous—Related to Maintenance. Please summarize under Observations below. |

OBSERVATIONS (PLEASE EXPLAIN IN DETAIL):**PART IV**

I, _____, certify that the above statements are true and correct.	
COMPLAINANT (PRINT NAME)	TELEPHONE
ADDRESS (NUMBER, STREET, CITY, ZIP CODE)	DATE
PLEASE MAIL/FAX COMPLETED FORM TO: Office of Public School Construction 1130 K Street, Suite 400 Sacramento, CA 95814 FAX: 916.445.5526	FOR INTERNAL USE ONLY COMPLAINT NO.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
March 5, 2004

NEW CONSTRUCTION
ADDITIONAL GRANT FOR REPLACED FACILITIES
(AB 1631 Salinas)

BACKGROUND

Assembly Bill (AB) 1631 modified Education Code (EC) Section 17071.46(a) to clarify the criteria components used in determining the supplemental grant for a single-story structure being demolished and replaced by a multi-story building on the same site. The intent of this legislation was to provide clarity for application requirements and promote greater participation, without affecting the funding calculations.

DISCUSSION

Changes to the EC necessitate modifications to the School Facility Program (SFP) Regulations to remove the Multitrack Year-Round Education (MTYRE) requirement and to clarify the criteria to be used in the cost benefit analysis. The criteria components take into account the multi-level replacement expenses and the method for estimating site acquisition cost savings.

MTYRE:

The MTYRE requirement will be removed in regulation and in related documents.

Multi-story Replacement Expenses:

Change replacement expenses to include the cost of demolition of the single-story building and the construction expenses for the replacement multi-story structure. (See Attachment A)

Site Acquisition Costs Savings:

Site acquisition costs savings are to be verified by a cost benefit analysis. The cost benefit analysis must compare the multi-story project costs to the new site project costs for the number of pupils housed in the additional classrooms resulting from the multi-story project. The cost benefit analysis must base its site acquisition costs upon actual previous site acquisitions and associated costs for a site housing an equivalent number of pupils.

A district that does not have a project meeting the above requirement must submit the following:

1. A signed and dated certification indicating the district did not have prior projects meeting the actual previous site acquisition requirements.
2. A cost benefit analysis which has calculated the price per acre of land for the new school site by one of the following methods:
 - A preliminary or complete appraisal made or updated within six months from the application submittal date for an alternative site of equivalent size in the General Location of the proposed project.
 - A preliminary letter from the CDE indicating that the alternate site would be approvable for school purposes.
 - The median cost of an acre of land in the General Location of the alternate location for the project using historical information in the General Location multiplied by the number of proposed usable acres as calculated by CDE's recommended site size. (Regulation Section 1859.145(f)(2)).

ATTACHMENT A

MULTI-STORY REPLACEMENT COST BENEFIT ANALYSIS

ASSEMBLY BILL 801

DEMOLITION
COST

+



SINGLE LEVEL
REPLACEMENT
COST

<



COST OF NEW FACILITY +
THE PRICE OF LAND
(INCLUDING RELOCATION
COSTS)

Per AB 801 & Regulation 1859.73.2

Replacement expenses are determined by all demolition costs and the total square feet in the *single story* replacement area only.

ASSEMBLY BILL 1631

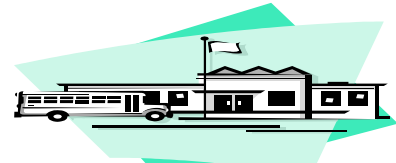
DEMOLITION
COST

+



MULTI-STORY
REPLACEMENT
COST

<



COST OF NEW FACILITY +
THE PRICE OF LAND
(INCLUDING RELOCATION
COSTS)

Per AB 1631

Replacement expenses are determined by the total demolition costs and the total square feet in the entire *multi-story* replacement area.

ATTACHMENT B

PROPOSED CHANGES TO THE SFP REGULATIONS

Section 1859.73.2. New Construction Additional Grant for Replaced Facilities.

- (a) In addition to any other funding authorized by these Regulations, the Board shall provide funding for the amount(s) in (b) below for the replacement cost of ~~one~~ single-story buildings that are demolished at a school in order to increase pupil capacity of that school if all the following conditions are met:

~~(1) The school must be on MTYRE at the time the Approved Application is accepted.~~

~~(2)~~ (1) The site size as determined by the CDE for the existing capacity of the school is less than 75 percent of the recommended CDE site size.

~~(3)~~ (2) The pupil capacity of the school must be increased by at least the greater of (A) or (B) below:

(A) Twenty percent of the existing pupil capacity (before replacement) of the school. Existing pupil capacity shall be determined by multiplying classrooms intended for grades kindergarten through six by 25, classrooms intended for grades seven through 12 by 27, classrooms intended for Non-Severely Disabled Individuals with Exceptional Needs by 13 and classrooms intended for Severely Disabled Individuals with Exceptional Needs by nine. Classrooms shall not include any classrooms reduced from the Gross Classroom Inventory pursuant to Section 1859.32.

(B) 200 pupils.

~~(4)~~ (3) The sum of (A) and (B) below is less than the amount determined in (E) below:

(A) Determine the estimated cost of demolition of the ~~one~~ single-story buildings to be replaced. The cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Cost Publication.

(B) Multiply the total square footage of the proposed multistory replacement buildings ~~to be replaced~~ by the Current Replacement Cost.

(C) Multiply the New Construction Grants requested in box 2a. of the Form SAB 50-04 by .01775 for K-6, .021 for 7-8 and .02472 for 9-12. For purposes of this calculation, assign Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form SAB 50-04 as either K-6, 7-8 or 9-12 based on the type of project selected by the district on Form SAB 50-04.

(D) Determine the average appraised value of land per acre, ~~including relocation costs, within the attendance boundaries of the school. The appraisal must be consistent with Section 1859.74.1.~~

1. Previous actual site acquisition costs for a site of equivalent size and housing an equivalent number of pupils within the district's boundaries.

2. Applicant districts with no projects meeting the requirements in 1. above are required to submit a written certification to the OPSC stating such, and must use one of the following calculation methods:

a. A complete appraisal or a preliminary appraisal of property in the General Location of the proposed project made or updated within six months from the Approved Application submittal date to the OPSC, using the guidelines outlined in Section 1859.74.1. The preliminary appraisal may be made without access to the property.

b. The Median Cost of an acre of land in the General Location of the proposed project using historical information from the General Location. Historical information that may be considered to determine land cost shall include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information, include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Approved Application was submitted to the OPSC. Relocation expenses, for this method, will be calculated based upon OPSC historical data.

(E) Multiply the sums of the products determined in (C) above by the average ~~appraised~~ value of land per acre determined in (D) above.

- (5)(4) The CDE has determined that the replacement of the ~~one~~single-story buildings on the existing site with ~~multilevel~~story building(s) would be the best available alternative and will not create a school with an inappropriate number of pupils in relation to the size of the site.
- (6)(5) The ~~one~~single-story buildings to be replaced on the existing site may not be leased facilities.
- (7)(6) With the exception of portables acquired with Class Size Reduction funds, the ~~one~~single-story buildings to be replaced on the site may not have been funded for either new construction or modernization funds from ~~Proposition 1A~~ State bond funds within the past five years from the date the Approved Application is accepted.
- (b) If the criteria in (a) are met, the additional funding is determined by multiplying \$173.30 per square foot for Toilet Facilities and by \$96.30 per square foot for all other facilities included in the ~~one~~single-story buildings to be replaced adjusted for the following:
- (1) The amounts shall be adjusted annually in the manner prescribed in Section 1859.71.
- (2) The amounts shall be increased by the percentage authorized in Section 1859.73 if the replacement area will be ~~multilevel~~story building(s).

The district is eligible for site development in accordance with Section 1859.76 including the demolition of the replacement structures as part of the SFP project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17071.46 and 17074.56, Education Code.

Section 1859.145.1. Preliminary Apportionment Site Acquisition Value.

If the Preliminary Application includes a request for site acquisition funding, the preliminary value of the proposed site shall be the sum of the following:

- (a) The value of the property determined by one of the following:
- (1) By an appraisal or a preliminary appraisal of the property made no more than six months prior to the date the Preliminary Application or Preliminary Charter School Application was submitted to the OPSC, using the guidelines outlined in Section 1859.74.1. The preliminary appraisal may be made without access to the property. The acreage identified in the appraisal or the preliminary appraisal may not exceed the proposed useable acreage requested on Form SAB 50-08 or Form SAB 50-09, as appropriate.
- (2) The Median Cost of an acre of land in the General Location of the proposed project using historical information in the General Location multiplied by the number of proposed useable acres requested on Form SAB 50-08 or Form SAB 50-09, as appropriate. Historical information that may be considered to determine land cost may include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information, include all real-estate sales consummated and documented by the county recorder for a period minimum of six months and a maximum of up to two years prior to the date the Preliminary Application was submitted to the OPSC.
- (b) An amount for the estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA as determined by one of the following:
- (1) 21 percent of the value determined in (a).
- (2) The sum of the following:
- (A) The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. seq.
- (B) The DTSC cost for review, approval, and oversight of the POSEA and the PEA for the specific site to be acquired.
- (3) The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the district or other districts in the General Location.

- (c) Four percent of the amount determined in (a), but not less than \$50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.
- (d) For allowable costs of hazardous material/waste removal and remediation costs, one-half times the value of the property determined in either (a)(1) or (a)(2), above.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17072.13, 17078.10 and 17078.24, Education Code.

ATTACHMENT C

Assembly Bill No. 1631

CHAPTER 904

An act to amend Section 17071.46 of the Education Code, relating to public schools.

[Approved by Governor October 12, 2003. Filed
with Secretary of State October 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1631, Salinas. School facilities funding: replacement buildings.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to provide a supplemental grant for 50% of the replacement cost of a single-story building if a school district proposes to demolish the building and replace it with a multistory building on the same site, if certain conditions are met, including, but not limited to, a condition that the school is operating on a multitrack year-round education schedule.

This bill would delete the condition relating to a school operating on a multitrack year-round education schedule from the requirements to qualify for the supplemental grant and would provide a method for estimating site acquisition costs savings.

The people of the State of California do enact as follows:

SECTION 1. Section 17071.46 of the Education Code is amended to read:

17071.46. (a) If an applicant school district proposes to demolish a single-story building and replace it with a multistory building on the same site, the State Allocation Board shall provide a supplemental grant for 50 percent of the replacement cost of the single-story building to be demolished, if all of the following conditions are met:

(1) The cost of the demolition and construction of a new multistory building on the same site is less than the total cost of providing a new school facility, including land, on a new site for the additional number of pupils housed as a result of the multistory replacement building on the existing site, as determined by the State Allocation Board. For purposes of this subdivision, the method of estimating the site acquisition costs savings shall be based on previous actual site sizes and acquisition costs in the district for equivalent numbers of pupils, or as otherwise determined by the board if actual site acquisition comparisons are not available for the district.

(2) The school district will maximize the increase in pupil capacity on the site when it builds the multistory replacement building, subject to the limits imposed on it pursuant to paragraph (3).

(3) The State Department of Education has determined that the demolition of an existing single-story building and replacement with a multistory building at the site is the best available alternative and will not create a school with an

inappropriate number of pupils in relation to the size of the site, as determined by the State Department of Education.

(b) The State Allocation Board shall establish additional requirements it deems necessary to ensure that the economic interests of the state and the educational interests of the children of the state are protected.

Assembly Bill No. 801

CHAPTER 458

FILED WITH SECRETARY OF STATE SEPTEMBER 18, 2000
APPROVED BY GOVERNOR SEPTEMBER 15, 2000
PASSED THE ASSEMBLY AUGUST 30, 2000
PASSED THE SENATE AUGUST 29, 2000
AMENDED IN SENATE AUGUST 25, 2000
AMENDED IN SENATE JULY 6, 2000
AMENDED IN SENATE JUNE 21, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999

INTRODUCED BY Assembly Member Cardenas

FEBRUARY 24, 1999

An act to add Section 17071.46 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 801, Cardenas. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, establishes the 1998 State School Facilities Fund from which the State Allocation Board may apportion funds to school districts for certain purposes, including new construction. Existing law requires each school district that elects to participate in the new construction program under the act to submit to the State Allocation Board a one-time report of existing school building capacity, pursuant to a prescribed calculation.

This bill would adjust the calculation when an applicant school district proposes to demolish a single story building and replace it with a multistory building on the same site, if specified conditions are met.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17071.46 is added to the Education Code, to read:

17071.46. (a) When an applicant school district proposes to demolish a single story building and replace it with a multistory building on the same site, the State Allocation Board shall provide a supplemental grant for 50 percent of the replacement cost of the single story building to be demolished, if all of the following conditions are met:

(1) The school at which the building demolition and replacement is to occur is operating on a multitrack year-round education schedule.

(2) The cost of the demolition and replacement is less than the total cost of providing a new school facility, including land, on a new site for the additional

number of pupils housed as a result of the replacement building, as determined by the State Allocation Board.

(3) The school district will maximize the increase in pupil capacity on the site when it builds the replacement building, subject to the limits imposed on it pursuant to paragraph (5) of subdivision (a).

(4) The State Department of Education has determined that the demolition of an existing single story building and replacement with a multistory building at the site is the best available alternative and will not create a school with an inappropriate number of pupils in relation to the size of the site, as determined by the State Department of Education.

(b) The State Allocation Board shall establish additional requirements it deems necessary to ensure that the economic interests of the state and the educational interests of the children of the state are protected.

Copy of EC Section 17071.46
as modified by AB 1631

17071.46. (a) If an applicant school district proposes to demolish a single-story building and replace it with a multistory building on the same site, the State Allocation Board shall provide a supplemental grant for 50 percent of the replacement cost of the single-story building to be demolished, if all of the following conditions are met:

(1) The cost of the demolition and *** construction of a new multistory building on the same site is less than the total cost of providing a new school facility, including land, on a new site for the additional number of pupils housed as a result of the multistory replacement building on the existing site, as determined by the State Allocation Board. For purposes of this subdivision, the method of estimating the site acquisition costs savings shall be based on previous actual site sizes and acquisition costs in the district for equivalent numbers of pupils, or as otherwise determined by the board if actual site acquisition comparisons are not available for the district.

(2) The school district will maximize the increase in pupil capacity on the site when it builds the multistory replacement building, subject to the limits imposed on it pursuant to paragraph (3).

(3) The State Department of Education has determined that the demolition of an existing single-story building and replacement with a multistory building at the site is the best available alternative and will not create a school with an inappropriate number of pupils in relation to the size of the site, as determined by the State Department of Education.

(b) The State Allocation Board shall establish additional requirements it deems necessary to ensure that the economic interests of the state and the educational interests of the children of the state are protected.

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
March 5, 2004

CONTINUATION HIGH, COMMUNITY DAY, AND
COUNTY COMMUNITY SCHOOLS

BACKGROUND

Assembly Bill (AB) 695, Chapter 858, Statutes of 1999, required a study be conducted by the Department of General Services (DGS), in conjunction with the California Department of Education (CDE), the Department of Finance (DOF), and the Legislative Analyst's Office (LAO), to review the classroom loading and method of funding the construction and modernization of school facilities for continuation high school pupils; commonly referred to as alternative education schools. In March 2003, the results of the study required by AB 695 were released by DGS and distributed by the Office of Public School Construction (OPSC) to all State Allocation Board members and school districts in a report entitled the *Review of the Funding Methods for Continuation High, Community Day and County Community Schools*. The report called for modifications to be considered for the School Facility Program Regulations.

DISCUSSION

The report recommended the State Allocation Board (SAB) consider changing the classroom loading standard for alternative education schools to 18 pupils per classroom at all grade levels, and that the SAB should consider developing a new school allowance for alternative education schools. The funding proposal was developed in coordination with the reduction of the loading standard proposal. These recommendations were discussed in detail at SAB Implementation Committee meetings in April, May, July and August of 2003, and the Committee concurred with the recommendations. When these recommendations were presented to the SAB, concerns on the loading standards were raised and subsequently a thorough review of this matter is planned.

However, in order to meet the immediate and distinctive facility needs of these alternative education school pupils, changes to the funding method of alternative education schools are still needed. Since the loading standard shall not be altered at the present time, the alternative education new school grant proposal has been revised to provide funding at a level in alignment with the current classroom loading capacity of 25 pupils for elementary school and 27 pupils for middle and high schools. This proposal is based on the minimum essential facility (MEF) chart below, which was prepared with the assistance of the CDE, and used as the basis of the previously discussed alternative education new school grant. As before, the new school grant also provides funding for up to 1,030 square feet per classroom.

MINIMUM ESSENTIAL FACILITY CHART

	Column 1	Column 2	Column 3
Support Facility	Project contains 1 or 2 classrooms	Project(s) contains 3 to 10 classrooms	Project(s) contains 11 or more classrooms
Multipurpose Facility or Gymnasium (includes food service)	2,500 sq. ft.	6.3 sq. ft. per pupil minimum 4,000 sq. ft.	6.3 sq. ft. per pupil minimum 7,200 sq. ft.
	Column 1 (cont'd)	Column 2 (cont'd)	Column 3 (cont'd)
Toilet	5 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
School Administration	1,000 sq. ft. Combined Total	4 sq. ft. per pupil minimum 800 sq. ft.	4 sq. ft. per pupil plus 800 sq. ft.
Counseling offices, small group areas, and/or conference rooms		1,000 sq. ft.	1,000 sq. ft.
Library/Media Space		4.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

The proposal continues to include:

- Additional funding as the district files additional applications for the same site with an offset provision to account for previous funding received for support facilities.
- A grandfathering provision for those projects for which the final plans and specifications for the project were accepted by the Department of State Architect prior to the date of SAB approval of the proposed regulations.
- Revisions to the regulations to accommodate the following alternative education support facilities for existing schools:
 - Multipurpose or Gymnasium
 - Library
 - Counseling Offices and/or Conference Rooms

As discussed above, the alternative education new school grant proposed here is derived from the same MEF chart as the previous proposal. However, the new proposed amounts are typically greater than as recommended for the classrooms loaded at 18 in order to provide sufficient funding for the additional support facility square footage needed under the current classroom loading capacity (see Attachment A). The amounts shown reflect the 1998 grant amounts. However, the 2004 grant amounts have also been included (see Attachment B).

AUTHORITY

Education Code Section (ECS) 17071.25(a)(2)(C), amended by AB 695, authorizes the SAB to “adopt regulations establishing assumed capacity standards after consideration of the recommendations developed by the Director of General Services” for alternative education schools. The law further states that “teaching station assumed capacity adjustments pursuant to these regulations for continuation high school, community day school, county community school and county community day school...shall be approved by the Director of Finance prior to implementation.” Education Code Section 17072.17, established pursuant to AB 695, directed the DGS, in conjunction with the CDE, the DOF, and the LAO, “to review the method of funding the construction and modernization of school facilities” for alternative education schools, and to “recommend modifications” as deemed appropriate.

RECOMMENDATIONS

1. Amend Regulation Sections as provided on Attachment C.
2. Since these costs are newly implemented, staff recommends reviewing these grants in approximately one year.

ATTACHMENT A

ALTERNATIVE EDUCATION SCHOOLS
SUPPORT FACILITY FUNDING

ALTERNATIVE EDUCATION NEW SCHOOL GRANT PROPOSAL COMPARISON		
Classrooms	1998 Additional Grant New School Allowance for loading at 18	1998 Additional Grant New School Allowance for loading at 25 and 27
1	\$ 434,700	\$ 434,700
2	\$ 527,400	\$ 527,400
3	\$ 902,070	\$ 921,960
4	\$ 1,007,100	\$ 1,037,250
5	\$ 1,114,830	\$ 1,152,540
6	\$ 1,222,650	\$ 1,267,830
7	\$ 1,330,380	\$ 1,383,120
8	\$ 1,438,200	\$ 1,504,170
9	\$ 1,545,930	\$ 1,629,180
10	\$ 1,653,660	\$ 1,754,190
11	\$ 2,120,760	\$ 2,239,290
12	\$ 2,234,970	\$ 2,364,300
13	\$ 2,349,270	\$ 2,489,310
14	\$ 2,463,480	\$ 2,614,320
15	\$ 2,577,690	\$ 2,739,330
16	\$ 2,691,990	\$ 2,864,340
17	\$ 2,806,200	\$ 2,989,350
18	\$ 2,920,500	\$ 3,114,360
19	\$ 3,034,710	\$ 3,239,370
20	\$ 3,148,920	\$ 3,364,380
21	\$ 3,263,220	\$ 3,489,480
22	\$ 3,377,460	\$ 3,614,490
23	\$ 3,491,730	\$ 3,739,500
24	\$ 3,605,940	\$ 3,864,510
25	\$ 3,720,150	\$ 3,989,520
26	\$ 3,834,450	\$ 4,114,530
27	\$ 3,948,660	\$ 4,239,540

ATTACHMENT B

ALTERNATIVE EDUCATION SCHOOLS
SUPPORT FACILITY FUNDING

ALTERNATIVE EDUCATION NEW SCHOOL GRANT		
Classrooms	1998 Additional Grant New School Allowance	Additional Grant New School Allowance Effective 1-1-04
1	\$ 434,700	\$ 504,921
2	\$ 527,400	\$ 612,595
3	\$ 921,960	\$ 1,070,892
4	\$ 1,037,250	\$ 1,204,806
5	\$ 1,152,540	\$ 1,338,720
6	\$ 1,267,830	\$ 1,472,634
7	\$ 1,383,120	\$ 1,606,547
8	\$ 1,504,170	\$ 1,747,151
9	\$ 1,629,180	\$ 1,892,355
10	\$ 1,754,190	\$ 2,037,559
11	\$ 2,239,290	\$ 2,601,022
12	\$ 2,364,300	\$ 2,746,225
13	\$ 2,489,310	\$ 2,891,429
14	\$ 2,614,320	\$ 3,036,633
15	\$ 2,739,330	\$ 3,181,836
16	\$ 2,864,340	\$ 3,327,041
17	\$ 2,989,350	\$ 3,472,245
18	\$ 3,114,360	\$ 3,617,449
19	\$ 3,239,370	\$ 3,762,653
20	\$ 3,364,380	\$ 3,907,856
21	\$ 3,489,480	\$ 4,053,165
22	\$ 3,614,490	\$ 4,198,369
23	\$ 3,739,500	\$ 4,343,574
24	\$ 3,864,510	\$ 4,488,777
25	\$ 3,989,520	\$ 4,633,979
26	\$ 4,114,530	\$ 4,779,185
27	\$ 4,239,540	\$ 4,924,388

ATTACHMENT C

ALTERNATIVE EDUCATION SCHOOLS SUPPORT FACILITY FUNDING

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

“Academic Achievement” means to improve one’s ability to engage in academic endeavors and to accomplish study

in core curriculum areas such as reading, writing, mathematics, fine arts, science, vocational education, technology, history or social science.

“Act” means the Leroy F. Greene School Facilities Act of 1998.

“Adjacent” means the HSAA’s that will make up the Super HSAA are adjoining, touching, or share a common geographical boundary.

“Alternative District Owned Site” means a district owned site that is deemed available for the project by the California Department of Education.

“Alternative Education ” means community day, county community, county community day, and continuation high schools.

“Application” means a request pursuant to the Act to receive an eligibility determination and/or funding for a school project.

“Apportionment” shall have the meaning set forth in Education Code Section 17070.15(a).

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Section 1859.33. Classroom Identification and Determination of Existing School Building Capacity.

The district shall identify by grade level, based on its most typical use for grades K-6, 7-8 or 9-12, or non-severe or severe Special Day Class education, each classroom included in the classroom inventory determined pursuant to Section 1859.31 and not excluded pursuant to Section 1859.32. These classrooms shall be reported on the Form SAB 50-02.

Section 1859.35. Calculation of Existing School Building Capacity.

The district’s existing school building capacity shall be determined by totaling the amount calculated in (a) with the amount determined in (b) or (c), whichever is the greater:

- (a) With the exception of classrooms for Special Day Class pupils for which the multiplier is indicated on the Form SAB 50-02, multiply the number of available classrooms in the district, the HSAA or the Super HSAA by the following: 25 for each K-6 classroom and 27 for each 7-12 classroom. Available classrooms shall be determined by the reduction of classrooms identified in Section 1859.32 from the gross classroom inventory prepared pursuant to Section 1859.31 and the inclusion of portable classrooms as provided pursuant to Education Code Section 17071.30 (a) or (b).
- (b) Multiply the K-6 pupil capacity of the elementary district, the unified district, the HSAA or the Super HSAA in a unified district as determined by the results of the calculations in (a) at the time of the initial determination of eligibility by six percent. When the elementary or unified district meets the Substantial Enrollment Requirement (SER) or qualifies for a waiver of the SER authorized by Education Code Sections 17017.6 and 17017.7(c), the amount reported in (b) shall be zero. For High School Districts, the amount reported in (b) shall be zero.
- (c) A number equal to the number of pupils provided operational grants as indicated in the current report of operational grants made by the CDE pursuant to Education Code Section 42268, less the number of pupils at a school on the MTYRE calendar that has a density of at least 200 or more pupils per acre when the district has at least 40 percent of its enrollment on MTYRE as of the date of determination of the existing school building capacity of the district.

Section 1859.77.3. Use of New Construction Grant Funds for Projects Accepted by the DSA after January 22, 2003.

New Construction Grant funds and any other funds provided by these Regulations shall be expended as set forth in Education Code Section 17072.35; and may also be utilized for the cost incurred by the district for the development and implementation of remedial action plan approved by the DTSC pursuant to Education Code Section 17213; and for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a labor compliance program pursuant to Labor Code Section 1771.7.

Authorization for use of New Construction Grants for which the final plans and specifications for the project were accepted by the DSA after January 22, 2003 may be requested as follows:

- (a) A district may request new construction grants that exceed the capacity of the project based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations if the project is to construct a multipurpose, gymnasium and/or library, or for an Alternative Education school to construct a multipurpose/gymnasium, library, counseling offices, and/or conference rooms, at an existing site that does not have an existing or adequate facility of the type being requested when all of the following is met:
 - (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that includes the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom.
 - (2) The existing school site was not constructed under the SFP.
 - (3) The proposed project includes no more than eight classrooms.
 - (4) Grants requests, above 100 percent of the number of pupils to be housed, based on Special Day Class pupil eligibility are only permitted under this subsection (a) when building a Special Day Class facility.
 - (5) For purposes of this section to determine if an existing facility is inadequate, the existing square footage is less than 60 percent of the square footage necessary for the current CBEDS for the site plus the Net School Building Capacity of the proposed project as calculated pursuant to Section 1859.82(b), with the exception of Alternative Education schools refer to the following:

ALTERNATIVE EDUCATION			
Support Facility	Existing Site Plus Proposed Project Contain 1 or 2 Classrooms	Existing Site Plus Proposed Project Contain 3 to 10 Classrooms *	Existing Site Plus Proposed Project Contain 11 or More Classrooms*
<u>Multipurpose Facility or Gymnasium (includes food service)</u>	<u>2,500 sq. ft.</u>	<u>6.3 sq. ft. per pupil minimum 4,000 sq. ft.</u>	<u>6.3 sq. ft. per pupil minimum 7,200 sq. ft., maximum of 18, 000 sq. ft.</u>
<u>Counseling Offices, and/or Conference Rooms</u>	<u>1,000 sq. ft. Combined Total</u>	<u>1,000 sq. ft.</u>	<u>1,000 sq. ft.</u>
<u>Library/Media Space</u>		<u>4.3 sq. ft. per pupil plus 600 sq. ft.</u>	<u>4.3 sq. ft. per pupil plus 600 sq. ft.</u>

*The proposed project cannot include more than eight classrooms.

- (6) The maximum excess pupil amount being requested for this type of use of grants request, is calculated by the following:
 - (A) Multiply the current CBEDS for the site plus the Net School Building Capacity for the proposed project by the square footage for the type of facility being requested, pursuant to Section 1859.82(b), with the exception of Alternative Education schools refer to subsection (5) above.
 - (B) Multiply the product in (a)(6)(A) above by the per square foot grant amount for multipurpose, gymnasium or library facilities pursuant to Section 1859.82(b); utilize the same per square foot grant amount for the Alternative Education school facilities.
 - (C) Divide the product in (a)(6)(B) above by the New Construction Grant amount for the project grade level, rounded up to the nearest whole number.
- (b) A district may request new construction grant eligibility determined at a different grade level than the proposed project that does not exceed the capacity of the project, unless the project includes a request as indicated in Section 1859.77.3(a), based on loading standards pursuant to Education Code Section 17071.25(a)(2) and any loading standards adopted by the SAB by these regulations when all of the following is met:
 - (1) The district must adopt a school board resolution that has been discussed at a public hearing at a regularly scheduled meeting of the district's governing board on a date preceding the application filing that include the following:
 - (A) An acknowledgement that funds for the purposes of housing the excess pupils are being diverted to another project.
 - (B) An acknowledgement that the State has satisfied its obligation, pursuant to Section 1859.50, to house the pupils receiving grants in the project.
 - (C) A plan outlined in the resolution that identifies how the district has housed or will house the pupils receiving grants in the project in school buildings as defined in Education Code Section 17368. The plan must certify one of the following methods:
 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB, and the district must identify the source of the funds; or
 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom; or
 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project.
 - (2) Only New Construction Grant eligibility for grades Kindergarten through 12 can be requested pursuant to this subsection (b), and the district must use its New Construction Grant eligibility, pursuant to subsection (b), in the following order:

- (A) At the grade level of the proposed project, if available.
- (B) At the lowest grade level other than the proposed project, if available.
- (C) At the next highest grade level other than the proposed project.
- (c) A district may request new construction eligibility based on the SFP Regulation Section 1859.77.2 or 1859.77.3, as appropriate, in place as of the date of a local bond election provided that clear language was included in the local bond that specifically identified the proposed project, and provided that the project meets all laws and regulations of the SFP.

If a district wishes to amend its Approved Application to include or increase its use of grants request after the submittal to the OPSC, the district must request in writing that the Approved Application be withdrawn and removed from the OPSC workload list. The resubmitted application will receive a new processing date by the OPSC.

The New Construction Grant amount provided shall be determined based on the grant amount provided in Education Code Section 17072.10 for the grade level that generated the eligibility and any New Construction Additional Grant or New Construction Excessive Cost Hardship Grant the district qualifies for as provided by these regulations.

Section 1859.82. Facility Hardship.

A district is eligible for facility hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. A facility hardship is available for:

- (a) New classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non-classroom space) or replacement facilities if either (1) or (2) are met:
- (1) The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include the close proximity to a major freeway, airport, electrical facility, high power transmission lines, dam, pipeline, industrial facility, adverse air quality emission or other health and safety risks, including structural deficiencies required by the Division of the State Architect to be repaired, traffic safety or because the pupils reside in remote areas of the district and transportation to existing facilities is not possible or poses a health and safety risk.

If the request is for replacement facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total costs to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. If the cost to remain in the classroom or related facility is less than 50 percent of the Current Replacement Cost, the district may qualify for a Modernization Excessive Cost Hardship Grant for rehabilitation costs pursuant to Section 1859.83 (e).

If the request is for replacement facilities that included structural deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain Division of the State Architect approval. The report must contain a detailed cost estimate of the repairs. The report and cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Construction Cost Publication and, at the OPSC's discretion, the Division of the State Architect.

- (2) The classroom or related facility was lost or destroyed as a result of a disaster such as fire, flood or earthquake and the district has demonstrated satisfactorily to the Board that the classroom or related facility was uninsurable or the cost for insurance was prohibitive.

If the district qualifies for a new or replacement school pursuant to either (1) or (2) above, the district is eligible for a New Construction Grant as a new construction project for the lesser of the pupils housed in the replaced facility based on loading standards pursuant to Education Code Section 17071.25(a)(2) or the latest CBEDS enrollment at the site.

If the district qualifies for replacement facilities on the same site pursuant to either (1) or (2) above, the district is eligible for funding as a new construction project. Replacement facilities shall be allowed in accordance with the square footage amounts provided in the chart in Section (b) below. If the facility eligible for replacement is not shown in the chart in Section (b) below, the replacement facility shall be limited to the square footage replaced. The grant amount provided shall be \$173.30 per square foot for Toilet Facilities and \$96.30 per square foot for all other facilities. Additional funding may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a), (b) or (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73 and project assistance pursuant to Section 1859.73.1. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to either (1) or (2) above will be reduced for any space deemed available by the Board in the district, the HSAA or Super HSAA that could be used to house some or all of the displaced pupils, fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

- (b) A multi-purpose room, toilet, gymnasium, school administration or library/media center, facility that meets all the following:
- (1) The facility was lost or destroyed as a result of a disaster, including but not limited to fire, flood or earthquake.
 - (2) The facility is no longer useable for school purposes as recommended by the California Department of Education and approved by the Board.
 - (3) The district has demonstrated satisfactorily to the Board that the facility was uninsurable or the cost of insurance was prohibitive.

If the district qualifies, the district is eligible for funding as a new construction project. The funding amount provided shall be \$96.30 per square foot for library/media center, school administration, gymnasium and multi-purpose facilities, and/or \$173.30 per square foot for Toilet Facilities. A New Construction Additional Grant may be provided for applicable site development costs pursuant to Section 1859.76, New Construction Excessive Cost Hardship Grant(s) pursuant to Section 1859.83(a) and (d), therapy room pursuant to Section 1859.72, multilevel construction pursuant to Section 1859.73 and project assistance pursuant to Section 1859.73.1. The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

Any grants provided pursuant to (b) above, shall be reduced by fifty percent of any insurance proceeds collectable by the district for the displaced facilities and fifty percent of the net proceeds available from the disposition of any displaced facilities.

The square footage provided, after accounting for all useable facilities on the site, shall not exceed the following:

<i>Facility</i>	<i>Elementary School Pupils</i>	<i>Middle School Pupils</i>	<i>High School Pupils</i>
Multi-Purpose (includes food service)	5.3 sq. ft. per pupil minimum 4,000 sq. ft.	5.3 sq. ft. per pupil minimum 5,000 sq. ft.	6.3 sq. ft. per pupil minimum 8,200 sq. ft.
Toilet	3 sq. ft. per pupil minimum 300 sq. ft.	4 sq. ft. per pupil minimum 300 sq. ft.	5 sq. ft. per pupil minimum 300 sq. ft.
Gymnasium (includes shower/locker)	N/A	12.9 sq. ft. per pupil minimum 6,828 sq. ft. maximum 16,000 sq. ft.	15.3 sq. ft. per pupil minimum 8,380 sq. ft. maximum 18,000 sq. ft.
School Administration	3 sq. ft. per pupil minimum 600 sq. ft.	3 sq. ft. per pupil minimum 600 sq. ft.	4 sq. ft. per pupil minimum 800 sq. ft.
Library/Media Center	2.3 sq. ft. per pupil plus 600 sq. ft.	3.3 sq. ft. per pupil plus 600 sq. ft.	4.3 sq. ft. per pupil plus 600 sq. ft.

Any facilities eligible for facility hardship not shown in the above chart or for Alternative Education facilities not provided in Section 1859.77.3(A)(5) shall be eligible for replacement square footage equal to the facilities replaced. For an Alternative Education school eligible for a facility hardship, utilize the square footage provided in Section 1859.77.3(A)(5), with the exception of toilet and administration where the chart above shall be utilized.

A district may request a determination of eligibility for facility hardship funding in advance of project funding.

- (c) A district seeking replaced facilities as a result of either (a) or (b) above must submit Form SAB 50-04 for the replaced facilities:
 - (1) Within 18 months if the replacement facilities will be located on the same site.
 - (2) Within 24 months if the replacement facilities will be located on a replacement site.

If an Approved Application for the replaced facility is not accepted within the time periods identified in (c)(1) or (c)(2) above, the Board shall re-review the criteria submitted by the district for replacement of the facility prior to apportionment of the replaced facility.

Section 1859.83. Excessive Cost Hardship Grant.

...

- (c) Excessive Cost to Construct a New School Project.
 - (1) With the exception of Alternative Education schools for which the final plans and specifications for the project were accepted by the DSA on or after March 24, 2004, if the project is for a new elementary, middle or high school on a site with no existing school facilities the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the number of classrooms, including classrooms used for Individuals with Exceptional Needs, in the project:

Class-rooms in project	Elementary School	Middle School	High School
1	\$160,000	\$674,000	\$1,466,000
2	\$377,000	\$756,000	\$1,525,000
3	\$566,000	\$840,000	\$1,885,000
4	\$717,000	\$932,000	\$2,205,000
5	\$842,000	\$1,028,000	\$2,428,000
6	\$1,021,000	\$1,125,000	\$2,651,000
7	\$1,202,000	\$1,222,000	\$2,874,000
8	\$1,341,000	\$1,328,000	\$3,046,000
9	\$1,341,000	\$1,440,000	\$3,184,000
10	\$1,577,000	\$1,553,000	\$3,321,000
11	\$1,577,000	\$1,666,000	\$3,459,000
12	\$1,660,000		\$3,585,000
13			\$3,709,000
14			\$3,833,000
15			\$3,958,000
16			\$4,082,000
17			\$4,207,000
18			\$4,331,000
19			\$4,455,000
20			\$4,580,000
21			\$4,704,000
22			\$4,828,000

The amounts shown above will be adjusted annually in the manner prescribed in Section 1859.71.

Any Excessive Cost Hardship Grant provided under this subsection for a new school project shall be offset against future New Construction Grant funds provided for that same school. The amount of the offset shall be determined by dividing the additional New Construction Grant pupil request by the difference in the New Construction Grant pupil request when the initial Excessive Cost Hardship Grant was made and 325 for an elementary school, 324 for a middle school, and 621 for a high school project and multiplying the quotient by the Excessive Cost Hardship Grant funds provided under this subsection for that project.

(2) Excessive Cost Hardship Grants for Alternative Education schools for which the plans and specifications for the project were accepted by the DSA on or after March 24, 2004, or, in lieu of Section 1859.83(c)(1), for Alternative Education schools for which the plans and specifications for the project were accepted by the DSA prior to March 24, 2004, may be requested as follows:

(A) If the project is for an Alternative Education school on a site with no existing school facilities, the district is eligible for a New Construction Excessive Cost Hardship Grant equal to the difference in the amount provided by the New Construction Grant and the amount shown below, based on the grade level and the number of classrooms in the project:

<u>Classrooms</u>	<u>Alternative Education New School Allowance</u>
<u>1</u>	<u>\$ 434,700</u>
<u>2</u>	<u>\$ 527,400</u>
<u>3</u>	<u>\$ 921,960</u>
<u>4</u>	<u>\$ 1,037,250</u>
<u>5</u>	<u>\$ 1,152,540</u>
<u>6</u>	<u>\$ 1,267,830</u>
<u>7</u>	<u>\$ 1,383,120</u>
<u>8</u>	<u>\$ 1,504,170</u>
<u>9</u>	<u>\$ 1,629,180</u>
<u>10</u>	<u>\$ 1,754,190</u>
<u>11</u>	<u>\$ 2,239,290</u>
<u>12</u>	<u>\$ 2,364,300</u>
<u>13</u>	<u>\$ 2,489,310</u>
<u>14</u>	<u>\$ 2,614,320</u>
<u>15</u>	<u>\$ 2,739,330</u>
<u>16</u>	<u>\$ 2,864,340</u>
<u>17</u>	<u>\$ 2,989,350</u>
<u>18</u>	<u>\$ 3,114,360</u>

<u>Classrooms</u>	<u>Alternative Education New School Allowance</u>
<u>19</u>	<u>\$ 3,239,370</u>
<u>20</u>	<u>\$ 3,364,380</u>
<u>21</u>	<u>\$ 3,489,480</u>
<u>22</u>	<u>\$ 3,614,490</u>
<u>23</u>	<u>\$ 3,739,500</u>
<u>24</u>	<u>\$ 3,864,510</u>
<u>25</u>	<u>\$ 3,989,520</u>
<u>26</u>	<u>\$ 4,114,530</u>
<u>27</u>	<u>\$ 4,239,540</u>

The amounts shown will be adjusted annually in the manner prescribed in Section 1859.71.

- (B) If the project is for additional classroom(s) to an existing Alternative Education school, constructed under the provision of 1859.83(c)(2), the district is eligible for a New Construction Excessive Cost Hardship Grant calculated as follows:
1. Determine the amount as shown in the chart above in Section 1859.83(c)(2)(A) for the total combined number of classrooms in the current project and for all previous projects at the same site. In the first occurrence when the total number of classrooms exceeds 27, the amount shown for 27 classrooms shall be used.
 2. Subtract the sum of the amount previously apportioned for the New Construction Grant and the funding provided pursuant to Section 1859.83(c)(2) for the sum of the number of classrooms for all previous projects at the same site (exclude the classrooms in the current project) from (B)1.
 3. Subtract the New Construction Grant for the current project from the result in (B)2.

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